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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1572nd meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 20 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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* No summary record was issued for the 1571st meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined third to fifth periodic reports of Malaysia (CEDAW/C/MYS/3-5; CEDAW/C/MYS/Q/3-5 and CEDAW/C/MYS/Q/3-5/Add.1)

1. *At the invitation of the Chair, the delegation of Malaysia took places at the Committee table.*

2. **Ms. Ahmad** (Malaysia), introducing her country's combined third to fifth periodic reports, said that the Government of Malaysia was committed to realizing gender equality and, to that end, remained open to learning from and adopting the best practices of other countries. The Government recognized that the advancement and empowerment of women served a range of broader objectives. Measures to promote and protect women's rights had been included in several of the previous multi-year Malaysia Plans and continued to be prioritized.

3. The Government would continue to ensure that women held at least 30 per cent of managerial and decision-making positions in both the public and private sectors. Under the Eleventh Malaysia Plan (2016–2020), the target set for female participation in the workforce was 59 per cent by 2020. Female participation in the workforce had increased from 48 per cent in 2011 to around 54 per cent in 2016. The Government encouraged corporate leaders to implement flexible working arrangements to facilitate the participation in the workforce of women from the middle-income group, and various other programmes were being implemented to support the participation of women from other income groups. Although significant progress had been achieved in terms of increasing the number of women in top management positions in the public sector, the representation of women in decision-making positions in the private sector remained comparatively low. The Eleventh Malaysia Plan also provided for measures to improve the collection of data disaggregated by gender.

4. Since 1995, Malaysia had been making progress on gender equality and non-discrimination through the introduction and implementation of new legislation. For example, the Domestic Violence (Amendment) Act 2017, which had entered into force on 1 January 2018, had strengthened the protection afforded to victims of domestic violence, and the Legal Aid (Amendment) Act 2017, which had entered into force on 1 December 2017, was expected to streamline the procedure by which legal aid was granted to persons on low incomes. In 2017, the Law Reform (Marriage and Divorce) Act 1976 had been amended to address various issues arising from the conversion to Islam of one of the parties to a marriage. Under the new law, spouses who had converted to Islam now also enjoyed the right to file a petition for divorce. In addition, the Government was considering the possibility of drafting a bill on gender equality and a bill on sexual harassment.

5. As had been reaffirmed in the Malaysia Education Blueprint, Malaysia sought to ensure universal access to education and the full enrolment of all children. Gender parity had been achieved in terms of enrolment and completion rates and the transition from the primary to the secondary levels. Female students had a slight advantage over their male counterparts in secondary and tertiary education. The Government had invested heavily in education as part of a wider effort to achieve developed country status by 2020. In 2016, the literacy rate was 97.2 per cent for men and 96.3 per cent for women.

6. In 2017, life expectancy at birth had been 72.7 years for men and 77.4 for women. The maternal mortality ratio had fallen from more than 40 per 100,000 live births in 1991 to 29.1 per 100,000 in 2016. Contraceptive devices and sexual and reproductive health services were widely available, and measures had been taken to guarantee access to health care for all women, including female prisoners.

7. In January 2018, in line with an announcement made by the Prime Minister the previous year, the names of all publicly listed companies that had no female directors had been published. Only 7 of the top 100 companies had yet to name a female director. Between 2012 and 2016, the number of Malaysian women in the Malaysian Foreign

Service had increased by 9.5 per cent. In 2016, 73 Malaysian women had participated in the work of international organizations.

8. Women currently held 24 of the 222 seats in the House of Representatives and 12 of the 70 seats in the Senate. At the Women in Politics conference held in Kuala Lumpur in 2017, the Prime Minister had announced a minimum quota of 30 per cent for female representation in the Senate.

9. For Malaysia, the task of consolidating and streamlining the efforts made by various ministries and agencies to eliminate discrimination against women had been identified as a major priority. The country planned to adopt a more proactive role in detecting, monitoring and eliminating discrimination against women in the public and private sectors. Through the Ministry of Women, Family and Community Development, the Government had collaborated with the United Nations Development Programme (UNDP) on a project to promote the inclusion of women in the implementation of the Eleventh Malaysia Plan with a view to ensuring that gender equality and female empowerment were incorporated into national development policymaking. In addition, 2018 had been declared the Empowerment of Women Year with a view to improving the situation of women in Malaysia.

Articles 1 to 6

10. **Ms. Schulz** said that it was the Committee's hope that, in future, the State party would manage to submit its periodic reports more regularly and in a timelier manner. Many of the recommendations made in the Committee's concluding observations on the combined initial and second periodic reports of Malaysia (CEDAW/C/MYS/CO/2) and accepted as part of the universal periodic review process in 2009 and 2014 had not yet been implemented.

11. It was unclear what steps had been taken towards the ratification of the Optional Protocol to the Convention, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and whether time frames had been set for taking action. She would appreciate an update on the progress made towards the withdrawal of the State party's reservations to article 9 (2) and parts of article 16 of the Convention. It would be helpful to learn whether the State party had taken steps to honour its commitment to adopt a comprehensive bill on gender equality in order to incorporate into national law the definition of discrimination set out in article 1 of the Convention, including the explicit prohibition against discrimination by non-State actors, and whether a time frame had been set for that process. Were there plans to adopt further federal laws to facilitate the incorporation of the Convention into national law?

12. In view of the growing discrepancy between Muslim and non-Muslim women in terms of protection from discrimination, she wished to know how the State party planned to mitigate the discriminatory effect of article 8 (5) (a) of the Constitution, which established that provisions regulating personal law were not invalidated or prohibited by the anti-discrimination principle set out in article 8 (2). In that connection, she wondered what measures had been taken to ensure the peaceful coexistence of different religious and ethnic groups. Moreover, in the light of reports of threats, intimidation, attacks and reprisals by State and non-State actors against women's human rights defenders and activists and women's NGOs, it would be instructive to discover what measures had been taken to protect women and the civic space more generally in order to facilitate a peaceful public debate.

13. It seemed unlikely that lesbian, bisexual and transgender women would report acts of discrimination to the authorities, as had been suggested as a possible avenue of redress in the State party's replies to the list of issues (CEDAW/C/MYS/Q/3-5/Add.1, para. 63), given that certain homosexual acts constituted offences under article 377 of the Penal Code and State sharia laws. Transgender women seemed to be affected particularly severely. In that connection, she would be grateful for statistics on the application of article 377 of the Penal Code and on the submission of complaints by lesbian, bisexual and transgender women for discrimination. She wondered whether there were plans to initiate a dialogue with relevant organizations and other stakeholders, such as the Human Rights Commission of Malaysia, with a view to reviewing and repealing the legislative provisions in question

and whether there were plans to halt the implementation of the 2017–2021 action plan to address social ills, which aimed to correct and rehabilitate lesbian, bisexual and transgender persons, and of all other measures that discriminated against such persons.

14. **Mr. Bin Zainal Abidin** (Malaysia) said that, as Malaysia was a dualist State, international instruments such as the Optional Protocol to the Convention could not be adopted until a thorough consultation process involving all stakeholders and agencies had been conducted. Women who considered that their rights under article 15 of the Convention had been violated had access to a range of avenues of redress. Women and men were equal in terms of their rights before the law, legal capacity and access to legal services.

15. **Ms. Ahmad** (Malaysia) said that the bills on gender equality and sexual harassment were at the preparatory stage. The time frame for the adoption of the bill on gender equality would depend on the progress of the consultation process that would have to be conducted with all stakeholders and relevant ministries. Her Government would be looking at the experiences of other countries with a view to identifying best practices. Lesbian, gay, bisexual and transgender persons were treated on an equal basis with other persons, and the Government was open to the suggestion of initiating a dialogue with that community.

16. **Ms. Schulz** said that, if women enjoyed complete equality, as the delegation had claimed, there should be no obstacles to the ratification of the Optional Protocol to the Convention. She appreciated the importance of conducting a thorough consultation process prior to the ratification of the Optional Protocol, but it seemed that a process of that kind had been under way since 2006. For that reason, she wondered whether the process could be accelerated.

17. It was unclear how it could be claimed that lesbian, bisexual and transgender women were treated on an equal basis with other persons if, as was the case, certain homosexual acts constituted criminal offences.

18. **Ms. Halperin-Kaddari** said that she would appreciate clarification of a fatwa that had been issued against a Muslim women's rights group, declaring the group to be deviant because of its advocacy of religious pluralism. She failed to understand how such a fatwa, a ruling that was legally binding once it was published in an official gazette, could be regarded as compatible with the State's obligation to guarantee a peaceful and pluralistic public sphere and to protect human rights defenders.

19. **Ms. Haidar** said that progress towards gender equality could be jeopardized by the unequal pace of development for Muslims as compared with non-Muslims. In Lebanon, such discrepancies had led to civil war. She wondered what measures were planned to harmonize development. She welcomed the State party's examination of best practices in other countries and the references made to the Sustainable Development Goals and encouraged a similar approach to the issue of women's rights.

20. **Ms. Ahmad** (Malaysia) said that, although the Government was working towards ratifying the Optional Protocol to the Convention, it needed more time to consult all relevant stakeholders, including ministries. She also took note of the comments made by members of the Committee regarding enhanced engagement with non-governmental organizations.

21. **Mr. Bin Zainal Abidin** (Malaysia) said that the non-governmental organization in question, Sisters in Islam, had filed an application in 2014 for a judicial review of the fatwa issued against it. As the case was still pending, it would be inappropriate to comment on the matter. However, the Government would abide by the court's decision; indeed, it was hoped that all the parties concerned would do likewise.

22. **Ms. Ahmad** (Malaysia) said that, during the course of 2018, it was hoped that all ministries would contribute to efforts to ensure an equal pace of development for all, in order to make sure that no woman was left behind.

23. **Ms. Schulz**, returning to the issue of fatwas, said that she would be interested to know whether measures had been taken, or were planned, to ensure that constitutional matters were handled exclusively by the civil courts.

24. **Mr. Bin Yeop Johari** (Malaysia) said that fatwas published in the *Gazette* were aimed at addressing controversial or unresolved questions relating to Islamic law; they were legally binding on Muslims but had no such power over non-Muslims. Fatwas fell outside of the remit of the civil justice system: they dealt exclusively with matters pertaining to Islamic law.

25. **Ms. Rana** said that timely reporting was an important aspect of States parties' obligations under the Convention, and she urged the Government to ensure that future reports were submitted on time. She also encouraged the State party to withdraw its reservations to the Convention and to accede to the Optional Protocol.

26. Turning to the issue of the proposed gender equality act, she wished to know whether a definite time frame existed for its adoption. It would also be useful to know when the Government planned to review the National Policy on Women and National Action Plan for the Advancement of Women and the methods and statistical measures to be used for that purpose. Likewise, information would be welcome on action planned at the institutional level to increase the awareness and capacity of staff to implement gender mainstreaming measures and to develop a comprehensive, centralized system to monitor and report on progress relating to the Sustainable Development Goals. Further details of existing mechanisms and policies to strengthen the Human Rights Commission of Malaysia in accordance with the Paris Principles and measures to implement, monitor and evaluate gender responsive budgeting would also be useful.

27. The fact that, under the Ministry of Women, Family and Community Development, women's interests were grouped together with those of children, families and communities reinforced patriarchal attitudes and was incompatible with the Committee's principles. It would be useful to know what short-term solutions and long-term measures the Government proposed to implement to address that problem. The State party was also invited to describe to what extent measures to document human rights abuses and protect the rights of people of diverse sexual orientations and gender identities had been incorporated into its national human rights action plan.

28. **Ms. Narain** said that she wished to welcome the State party's acknowledgement that further measures were required in certain areas and its efforts to promote gender equality, including through naming publicly listed companies with no women on their boards of directors. She also welcomed the programme to prepare women for roles as company directors and wished to know how many of the women trained had subsequently been appointed to such posts. It would be useful to know what temporary special measures were planned to encourage private sector companies to appoint women as directors and senior executives, including through the use of incentives.

29. Given the low level of women's participation in Parliament, she wondered whether the Government had considered the introduction of voluntary or mandatory quotas, or reserved seats. In that connection, was the minimum quota for women senators proposed by the Prime Minister likely to be introduced by legislative or constitutional means, and what time frame was envisaged for its implementation?

30. **Ms. Ahmad** (Malaysia) said that it was generally perceived that gender mainstreaming was solely the responsibility of the Ministry of Women, Family and Community Development. Existing gender mainstreaming mechanisms were ineffective owing to a lack of commitment and understanding of the concept. Moreover, there was a lack of adequate training and monitoring. The Ministry was currently working with the UNDP to review and strengthen the implementation of the National Policy on Women and the National Action Plan for the Advancement of Women. Expected outputs related to areas such as capacity-building and gender-sensitive budgeting; an initial report was expected by the middle of 2018.

31. With regard to the gender equality bill, the usual time frame for the adoption of new legislation was between 12 and 24 months. However, it was hoped that the process could be expedited given that 2018 was the Empowerment of Women Year.

32. Statistics on the women directors programme would be provided at a later date, as would information on temporary measures to promote the appointment of women to

company boards in the private sector. A range of incentives had already been introduced in that sector to encourage the recruitment and promotion of women, including tax incentives for employers recruiting women returning to the workforce, the extension of maternity leave to 90 days, flexible working arrangements and measures to ensure quality childcare at the workplace.

33. As far as mandatory election quotas were concerned, Malaysia had a democratic system whereby representatives were elected by the constituents. However, the Prime Minister had had made a personal commitment to enhance women's representation in the Senate. The forthcoming elections would provide an opportunity for change.

34. **Ms. Rana**, noting the active peacekeeping role and support for Arms Trade Treaty of Malaysia, asked what action the Government had taken towards its ratification. She would also be interested to know whether the State party was considering developing a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security and whether capacity-building measures were planned in the areas of protection and conflict prevention.

35. **Ms. Narain** asked whether the Government was considering amending the law to introduce statutory quotas or reserved seats, in order to enhance the participation of women, including those from ethnic minorities and indigenous groups.

36. **Ms. Schulz** said that, in addition to providing useful information to ministries and other bodies, gender-disaggregated data also helped to foster public debate. She would be interested to know whether the Government was considering repealing the Official Secrets Act 1972 and taking measures to guarantee freedom of information. Moreover, she would welcome information on the resources of the Human Rights Commission of Malaysia and entities responsible for providing legal aid.

37. **Ms. Ahmad** (Malaysia) said that additional information on peacekeeping activities, the ratification of the Arms Trade Treaty and the introduction of statutory quotas would be provided at a later date, following consultations with the relevant government bodies.

38. **Mr. Mohamed Zin** (Malaysia) said that the Government's support for the Arms Trade Treaty reflected its commitment to disarmament. Consultations on the ratification of the Treaty were currently under way, involving a range of stakeholders. It was hoped that the instrument would be ratified once the Government was in a position to comply with all the obligations under the Treaty. Preparatory measures were currently being taken to that end.

39. **Ms. Ahmad** (Malaysia) said that, as part of reform of the legal aid system, the Legal Aid (Amendment) Bill 2017 had sought to review how eligibility for aid was assessed. The assistance provided by the Legal Aid Department of Malaysia was offered on a non-discriminatory basis.

40. **Ms. Gabr** said that, although she welcomed the positive steps taken and promises of further action, certain concerns remained. As labour legislation contained no provisions on parental leave for fathers, further information on the issue of paternity leave would be welcome. It would also be useful to know why no action had been taken against parliamentarians who had reportedly made sexist remarks.

41. She noted that, in her own country, fatwas had no legal power and merely provided an assessment of a religious issue, such as following a specific dress code. With regard to the fatwa issued in 2009 on the issue of female genital mutilation, she stressed that many Muslim countries viewed the practice as incompatible with Islam and considered it a form of violence against women. She strongly encouraged the State party to re-examine the issue. Further information regarding dress code restrictions and their impact on the rights of women in public spaces would be helpful. In that context, were girls forced to wear specific attire to school?

42. On the issue of marriages between rapists and their victims, she could be grateful if the State party could clarify how cases were assessed and asked whether it viewed such marriages as a form of discrimination against victims of rape. She welcomed the recently amended legislation on domestic violence and asked about its impact on victims. In that

context, information on the availability of shelters for women victims of violence would be useful. Although the State party had suggested that rates of violence against women had fallen, the Committee had received alternative data indicating an increase in reported cases. She would welcome further clarification of that issue. Turning to the issue of criminal penalties, she wished to know whether whipping was still used as a form of punishment for Muslim women.

43. **Ms. Jahan** said that human trafficking in Malaysia, mainly as a country of destination and transit, continued to be a major concern despite the State party's efforts to combat it. Internal trafficking in women and girls from rural and indigenous communities was also on the rise. The absence of reliable disaggregated data made the scale of the various forms of trafficking in the country difficult to gauge, and the Committee urged the State party to gather such data. As a second anti-trafficking plan had now been introduced, she wished to know whether an evaluation of the implementation of the first plan had been made and, if so, what action had been taken in light of that evaluation. It would be helpful to hear whether the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants took a gender-based approach to its assessments of anti-trafficking policies and programmes and whether such programmes were adequately staffed and funded.

44. During her visit to the State party, the Special Rapporteur on trafficking in persons, especially women and children, had found coordination between government bodies at the federal and state levels to be lacking. Information on the steps taken to improve such coordination would be helpful. She wondered whether a formal mechanism to enhance collaboration between the Council and the national human rights institution, particularly in cases involving female victims, was in place.

45. The Committee was concerned that the Government's focus on curbing illegal immigration and deporting undocumented migrants hindered efforts to identify and assist victims of trafficking. It would therefore be useful to know what safeguards were in place to protect women victims of trafficking, particularly those who faced prosecution as illegal immigrants. Alternative sources had indicated that the majority victims of trafficking were undocumented migrant workers. She wondered what campaigns had been launched to raise awareness about human trafficking among refugee and migrant communities and whether targeted measures, such as telephone hotlines with multilingual staff, has been taken.

46. The rate of prosecution for trafficking offences did not reveal the extent of the problem. The low rate was mainly owing to the lack of capacity of law enforcement officials, compounded by corruption, impunity and a lack of expertise in dealing with trafficking issues on the part of the authorities. She would appreciate it if the delegation could comment on reports that mass graves of trafficked migrants and human trafficking camps had been found in the north of the country near the Malaysian border with Thailand. According to alternative sources, the traffickers and authorities alleged to have been complicit in the trafficking camps in question had not been prosecuted. She wished to know what was being done to ensure that those responsible would be brought to justice.

47. Prostitution was decriminalized, though managing brothels, soliciting and procuring were not. She asked what legal safeguards existed to ensure that women who worked as prostitutes would not face criminal charges. Extra vigilance was required given that women, and transgender women in particular, were often subjected to violence from clients and State actors. It had been reported that some entertainment establishments, such as bars and massage parlours, had hidden partitions where girls and women could be coerced into entertaining clients. She would welcome details of the action taken at the local level to regulate such establishments and to ensure that women were not forced into prostitution. She would appreciate information on any measures that had been introduced or that were being planned to reduce the demand for commercial sex and on the support that was available to women who no longer wished to be involved in prostitution.

48. **Ms. Ahmad** (Malaysia) said that there was no obligatory dress code for women in Malaysia with the exception of public schools, where female students were required to wear uniforms; women were free to dress how they pleased in public. At present, seven shelters for victims of domestic violence were open nationwide, and new shelters would be built in the future with assistance from NGOs.

49. **Mr. Bin Zainal Abidin** (Malaysia) said that the sharia courts could apply whipping as a punishment for criminal offences that carried such a penalty under sharia law. The procedure entailed a prior examination of the convicted person by a medical officer, and a maximum of six strokes could be applied to the torso with average force, ensuring that the person's skin was not cut. The sentence was not carried out on pregnant women until two months after childbirth.

50. **Ms. Ahmad** (Malaysia) said that the figures on the number of cases of violence against women were rising due to the increased awareness among women and thus a greater willingness to report such incidents, and not because of growing rates of violence.

51. **Ms. Abdul Wahab Zen** (Malaysia) said that a great deal of progress had been made in terms of combating human trafficking, including the enactment of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, which established the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants. The Act had been amended in 2010 to broaden the definition of labour trafficking and to cover the smuggling of migrants, and to boost the number of NGO representatives on the Council. As of 2015, NGOs were able to serve as protection officers and to run shelters for victims of trafficking. Further amendments to the Act were currently under consideration as part of the new national action plan on trafficking in persons for 2016–2020 to allow victims of trafficking to move freely in and out of shelters and to provide victims with a subsistence allowance during their time at the shelter. Section 25 of the Act provided for immunity from criminal prosecution for offences such as unlawful entry, residence or possession of fraudulent documents to persons recognized as victims of trafficking, while section 51 of the Act provided for the shelter, protection and rehabilitation of such victims. Teams had been set up in all states to combat human trafficking, with 29 Deputy Public Prosecutors specializing in that area, and work was under way to enhance coordination between those teams and the federal authorities.

52. Her Government strongly condemned the unprecedented crimes at the human trafficking camps in Wang Kelian. To date, four individuals had each been sentenced to 10 years in prison, and police had identified a further 19 suspects in Thailand, whose extradition had been requested and was pending. No evidence had yet been found that Malaysian officials were complicit in the events, though the investigation was ongoing.

53. **Mr. Bin Yeop Johari** (Malaysia) said that perpetrators of rape were subject to prosecution under section 375 of the Penal Code regardless of whether they married the victim, as was the case of Riduan Masmud, who had been sentenced to 12 years in prison for raping a 12-year-old girl whom he had later married. The validity of that marriage was currently being challenged in the sharia courts and the Committee would be notified of the outcome of the trial.

54. Each state had its own laws under the sharia law system. Any conflicts between sharia and civil law were decided by the civil law courts. The Fatwa Committee National Council of Islamic Religious Affairs was competent to rule on only unsettled or controversial issues relating to Islamic law. The delegation was unable to comment on the constitutionality of the Fatwa Committee's fatwa concerning Sisters in Islam, as the case was still before the federal courts.

55. In April 2009, the Fatwa Committee had decided that female circumcision was part of Islamic teachings and should be observed by Muslims except when the procedure was deemed harmful. In such cases, it should be avoided. The national fatwa was legally binding on the Muslim population only in states where fatwa committees at the state level had published the ruling in their official gazettes.

56. **Ms. Ahmad** (Malaysia) said that the issue of forced prostitution in entertainment establishments fell under the jurisdiction of the states. The Government would hold consultations with the state authorities and local councils to move forward in that respect.

57. **Ms. Gabr** said that female genital mutilation had been declared incompatible with Islam in many Muslim countries that had abolished the practice, and she hoped the State party would consider doing the same. As part of efforts to combat gender stereotyping, the Government of Malaysia had set up the Communications and Multimedia Content Forum.

She would welcome additional information on the Forum's functions. She also wished to know whether religious figures took part in events organized by the Forum.

58. **Ms. Jahan** said that, according to alternative sources, the procedure to obtain permission for trafficking victims to leave shelters was lengthy and cumbersome, and many victims remained in de facto detention. She wished to know what steps the State party had taken to simplify the procedure. She would welcome clarification as to whether victims of trafficking were granted residence or special work permits, regardless of their ability or willingness to cooperate with the authorities.

59. **Ms. Abdul Wahab Zen** (Malaysia) said that the process to apply for permission to leave shelters consisted of three separate risk assessment reports to ensure that victims were physically and mentally fit to do so. However, the Government was holding consultations with the relevant agencies and NGOs that run the shelters with a view to granting all victims the right to freedom of movement and to work, provided that they were not exposed to security risks. The Government was encouraging businesses to employ victims of trafficking as part of a social responsibility programme. There was currently no legal provision for awarding permanent residency to victims of trafficking; however, they were issued with work permits once they had found employment.

60. During her visit to Malaysia in February 2015, the Special Rapporteur on trafficking in persons, especially women and children had commended the State party's victim-oriented approach and recommended focusing on labour as well as sexual exploitation. To that end, a provision to ensure the payment of salaries to victims of trafficking had been included in an amendment to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act. As a result, the courts had recently ordered the payment of 140,000 Malaysian ringgit in back wages to three victims of labour exploitation.

61. A number of measures were aimed at reducing demand for commercial sex. For example, exploiting, procuring or soliciting other persons for the purposes of prostitution were offences punishable under the Penal Code. Concerted efforts were also being made, in conjunction with civil society, to prevent human trafficking for the purposes of sexual exploitation or prostitution. Among other measures, the Government was collaborating with NGOs to raise awareness of the issue among migrant workers, while the Ministry of Human Resources had organized seminars on the subject for employers and employees of the plantation industry. Additional measures were in the pipeline but required the full cooperation and support of all stakeholders. Further recommendations by the Committee on how the country could further improve its approach to combating trafficking would be welcome.

62. **Ms. Said** (Malaysia) said that, under a fatwa, it was obligatory for Muslim women and girls in Malaysia to undergo female circumcision. As a result, the Ministry of Health had issued guidelines on the procedure, which could be performed only by accredited medical professionals. Women and girls were later monitored by medical staff to identify whether any complications had occurred. Data collected by the Ministry of Health since 2015 had shown that around 85 per cent of Muslim girls in Malaysia had been circumcised by medical professionals, without suffering any complications. Indeed, a number of studies had reached similar conclusions: one had found that as many as 93 per cent of Malaysian Muslim women had undergone the medicalized procedure with no ill effects; another had reasoned that, in the absence of any reported clinical injuries, the practice of female circumcision performed in Malaysia was harmless. The procedure involved only the removal of the prepuce, or the skin around the clitoris, and had no impact upon the patient's sexual health, thus falling under the World Health Organization type 4 classification for such procedures. That was in stark contrast to the situation in other countries, where women often suffered serious complications and more invasive procedures. The practice of female circumcision in Malaysia could not be regarded, therefore, as female genital mutilation.

63. **Ms. Gabr** said that she remained wholly unconvinced by the State party's reasoning and pointed out that other Islamic countries, including member States of the Organization of Islamic Cooperation, had outlawed female genital mutilation. She urged the delegation to relay the Committee's concerns to the Government and encouraged the State party to consider the best practices of other Islamic countries with a view to implementing reforms.

64. **Ms. Schulz** said that women who turned to prostitution were often at risk of violence, extortion and abuse, including from police officers, a problem that was particularly acute in countries that had criminalized solicitation. She therefore wished to know what action the State party was taking to address those issues and ensure that women sex workers were protected.

65. **Ms. Ahmad** (Malaysia), replying to a question regarding the role of the Communications and Multimedia Content Forum of Malaysia in combating gender stereotypes in the media, said that, as the media's self-regulating body, the Forum monitored implementation of the Communications and Multimedia Content Code. Although gender-neutral language was used throughout the Code, it contained a number of specific provisions addressing negative gender stereotypes in advertising and promoting positive images of women.

66. **Mr. Bin Zainal Abidin** (Malaysia) said that measures of protection were indeed provided to victims who had been rescued from prostitution. Comprehensive legislation was also in place to punish law enforcement officials who abused victims.

67. **Ms. Manalo** said that she was deeply troubled by the delegation's responses regarding female genital mutilation. All forms of female genital mutilation, including the procedure that had been described, were a violation of the human rights of women and girls, in particular their right to health and physical integrity. She urged the State party to take steps towards outlawing that practice.

Articles 7 to 9

68. **Ms. Narain** said that she wished to know what reasons were underlying the persistently low percentage of women in parliament and why political parties continued to field so few women candidates. She wondered whether there were cultural or social obstacles to women's political participation and, if so, what was being done to remove them; whether training and other measures were provided to empower women to stand as candidates in national and local elections; and what specific measures were in place to enable and encourage women from marginalized groups, including indigenous women and women with disabilities, to stand for election. Regarding freedom of association, she wondered to what extent women were free to participate in NGOs and associations concerned with the public and political life of Malaysia and whether article 10 of the country's Constitution adequately guaranteed women's right to freedom of association in line with the Convention and other international instruments to which Malaysia was a party.

69. While welcoming the fact that women represented 47 per cent of the Malaysian Foreign Service, she wondered why just 5 per cent of women occupied senior and decision-making posts. She asked what could account for the gender disparity, whether ambassadors were promoted from career diplomats or appointed and how many women ambassadors there were. Lastly, she noted the relatively high number of Malaysian women who participated in the work of international organizations and would welcome comparative data on both women and men in those organizations and the positions they occupied.

70. **Ms. Ahmad** (Malaysia) said that a programme of activities had been devised for the current Empowerment of Women Year that envisaged various measures aimed at increasing women's political participation, including women from marginalized groups. Moreover, the Ministry of Women, Family and Community Development provided continuous training to encourage women's involvement at all levels of political life.

71. **Mr. Bin Zainal Abidin** (Malaysia) said that article 10 of the Malaysian Constitution provided for freedom of speech, assembly and association, subject to any necessary restrictions that might have been made by law for reasons of national security.

72. **Mr. Mohamed Zin** (Malaysia) said that his delegation would be pleased to provide the Committee with data on women in the Foreign Service in writing.

73. **Ms. Rana**, regarding article 9 of the Convention, said that several critical issues surrounding the issue of nationality remained to be addressed by the State party. In particular, she would urge the State party to consider withdrawing its reservation to article 9 (2) of the Convention, which concerned equality between women and men in conferring

nationality upon their children. She wished to know what specific action had been taken by the Government to ensure that Malaysian women and men could transmit their nationality to their children, including those born overseas or out of wedlock, on an equal basis. In a similar vein, she would be interested to know why Malaysian women did not have equal rights with men regarding the transmission of Malaysian nationality to a foreign spouse and what measures were being taken to ensure that foreign spouses of Malaysian nationals were treated equally when it came to granting social visit passes. For example, foreign women married to Malaysian men were accorded five-year permits, while foreign spouses of Malaysian women were issued with just one-year passes. According to alternative reports, many foreign women were forced to remain in abusive relationships in order to maintain their legal status in the State party. She asked what steps had been taken to ensure that foreign women married to Malaysian men were not economically and legally dependent on their spouses and what mechanisms were in place to enable those women to leave their husbands without losing their legal status.

74. Lastly, she was concerned at the lack of official data on the number of persons who were stateless or at risk of statelessness in Malaysia. She noted that the Government had pledged to address the issue and wondered what steps had been taken or were envisaged to improve data collection, including disaggregated data, and accelerate efforts to prevent and end statelessness in the country.

75. **Mr. Mohd Ramli** (Malaysia) said that children born to Malaysian men overseas automatically received Malaysian citizenship. The current process for Malaysian women to transmit their nationality to children born overseas was summarized in paragraph 70 of the periodic report and applied to children born after 1 January 2010. Applications relating to children born before that date should be submitted to the authorities in Malaysia, rather than to the relevant consulate overseas. Citizenship was not awarded automatically to foreign spouses of Malaysian nationals for reasons of national security. Citizenship could be conferred to foreign spouses of Malaysian men upon application. Foreign spouses of Malaysian women could apply to be naturalized.

76. **Ms. Halperin-Kaddari** said that she wished to know why civil law did not prevail over religious rulings, such as in the case of transmitting Malaysian nationality to a child. For example, although civil law stated that a child born to a Malaysian man automatically received Malaysian nationality, a fatwa — in which it was stated that a Muslim man was not able to register as the father of a child born within six months of his marriage to a foreign spouse — appeared to take precedence. However, a recent court ruling, involving the case of a father who had converted his three children to Islam without the consent of their non-Muslim mother, seemed to suggest that religious laws were not exempt from civil judicial review. In that light, she asked whether there was scope to challenge other fatwas in the civil courts.

77. **Mr. Bin Yeop Johari** (Malaysia) said it was true that the Federal Court of Malaysia had granted a judicial review in the case in question, having decided that the civil courts had jurisdiction in matters pertaining to the conversion of a minor. Another case, which centered on whether a Muslim father's surname could be given to a child born outside of marriage, was currently ongoing and thus no further comment could be made.

78. **Ms. Manalo** said she was concerned that there seemed to be a lack of clarity as to whether civil or religious law took precedence.

The meeting rose at 12.55 p.m.